

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

EXCO OPERATING CO., LP

CIVIL ACTION NO. 16-cv-0979

VERSUS

JUDGE FOOTE

CHESAPEAKE OPERATING, LLC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Exco Operating Company, LP filed this civil action based on an assertion of diversity jurisdiction. As the party invoking the court's jurisdiction, the burden is on Exco to set forth facts that show complete diversity of citizenship in accordance with the applicable rules. Exco's complaint sets forth in some detail the identities of its own partners and their partners or members, with the result being that Exco is a citizen of Texas.


The complaint names as defendants Chesapeake Louisiana, LP and Chesapeake Operating, LLC. The complaint alleges that the entities are organized under Oklahoma law and have their principal places of business in Oklahoma, but the citizenship of an LLC or partnership is determined by the citizenship of all of its members/partners, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). The Chesapeake entities have now filed an answer, but their pleading does not appear to contain any additional information about their citizenship.

The Chesapeake entities have appeared in this court numerous times, and their citizenship has been set forth in detail in prior cases, but it must be set forth on the record of

this case if the parties wish to ensure that jurisdiction is firmly established. An omission of the necessary information may result in delays or even dismissal of the case, as has happened in cases such as Mullins v. TestAmerica, Inc., 300 Fed. Appx.259 (5th Cir. 2008) and Howery v. Allstate, 243 F.3d 912 (5th Cir. 2001), where the parties did not ensure that the trial court record set forth citizenship in detail.

Exco is directed to file an amended complaint, seeking leave of court if then required by Fed. R. Civ. Pro. 15, and set forth in detail the citizenship of the Chesapeake defendants. Counsel for the Chesapeake entities are directed to promptly provide the necessary information to counsel for Exco to avoid delay in the resolution of this preliminary issue.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 2nd day of August, 2016.



Mark L. Hornsby
U.S. Magistrate Judge